IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Con.Case(C).No. 1359 of 2006(S)

AGAINST THE JUDGEMENT IN WPC.4242/2006 Dated 07/04/2006

.....

PETITIONER/PETITIONER:

P.R. CICILY, W/O. NELKUNNASSERY MATHEW,
AGED 69 YEARS, PROPRIETRIX, JOYCE INDUSTRIES,
DEVELOPMENT AREA, EDAYAR, ALUVA, ERNAKULAM DIST.

BY ADV. SMT.P.R.CICILY (PARTY IN PERSON)

RESPONDENTS: 2ND RESPONDENT IN WP(C):

PADMAKUMAR K., AGED ABOUT 47 YEARS,
(FATHER'S NAME NOT KNOWN TO THE PETITIONER),
D.I.G. OF POLICE, CENTRAL RANGE, OFFICE OF THE
D.I.G., ERNAKULAM).

BY GOVERNMENT PLEADER SRI.T.G.SUNIL.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

Contempt Case (C) No. 1359 OF 2006

Dated this the 4th June, 2007.

J U D G M E N T

The prayer in this petition is to initiate contempt action against the respondent for non-compliance of the judgment passed by this Court in W.P.(C) No.4242/2006. This Court issued a direction to the petitioner to file a petition before the 2nd respondent, D.I.G. of Police, detailing the grievances she had raised in that writ petition, as well as in Ext.P3, produced in that writ petition. The D.I.G. of Police, Northern Range, was directed to conduct an enquiry in the matter, through a police officer not below the rank of Dy.S.P., and to take appropriate action in the matter, in accordance with law. The judgment was pronounced on 7.4.2006.

2. The petitioner has filed this contempt case complaining that the respondent has not complied with the direction issued by this Court. Initially, a statement was filed stating that the investigation of the case was entrusted with the Assistant Commissioner of Police, Ernakulam, and he had questioned the witnesses. It is also averred that the disputed document was seized

and forwarded to Forensic Science Laboratory, Thiruvananthapuram, for expert opinion, and after getting the report of the handwriting expert, the investigation will be completed. On 22.11.2006, this Court issued a direction to the Director of Forensic Science Laboratory, Thiruvananthapuram, to examine the document and forward the report to the Magistrate.

3. Now, the Assistant Commissioner of Police had filed a further statement, in which it was averred that the Assistant Director (Documents), Forensic Science Laboratory, Thiruvananthapuram, had examined the document and forwarded a report to the Magistrate. It was also averred that the investigation of the case was completed and final report filed before the Judicial First Class Magistrate Court-I, Ernakulam, on 21.3.2007. It is stated that a notice was served on the petitioner and she accepted the notice. Since, the investigation was completed within the reasonable time and final report filed, it is not possible to hold that there is non-compliance of the judgment of this Court.

4. If the petitioner is not satisfied with the final report filed in Crime No.5/2006 of Ernakulam Town North Police Station, she has to pursue further remedies available to her, in accordance with law. No further proceedings are necessary in this matter, and it is only to be closed.

In the result, this contempt case is closed.

K.PADMANABHAN NAIR,
JUDGE

nj.